

UNITED STATES DISTRICT COURT, DISTRICT OF RHODE ISLAND

Andrew Joseph Smith

VS.

Federal Bureau of Investigations (FBI)

And

State of Rhode Island

January 11th, 2018

CA 18 - 013

CA 18 - 013

EMERGENCY INJUNCTION RELIEF AND OVERTURN OF CONVICTION MOTION

(This American invokes his United States 1st Amendment Right to a hearing before the court)

NOTE: I respectfully ask this motion to be reviewed by Senior Justice Mary M. Lisi Thank you!

COMPLAINT

COMPLAINT EXPLANATION:

Now comes the Plaintiff, Andrew Joseph Smith, Pro-Se, in the above titled **COMPLAINT**, and moves of this Honorable Court to place an **EMERGENCY SENTENCING INJUNCTION** upon the RI Superior Court, to delay my sentencing on January 22nd, 2018, until this motion is heard and all pre-trial evidence being submitted is reviewed before the United States District Court, District of RI. This Plaintiff contends that VIA submitted motion, evidentiary proof, the United States Federal Government (FBI) and the RI Attorney General has fabricated false criminal evidence and placed illegal criminal charges upon this Plaintiff, in violation of United States and Rhode Island **"DUE PROCESS OF LAW"** and brought him before the court to an illegal trial, in multiple violations of his rights to exercise of the United States and RI Constitutions. This Plaintiff contends that the State of RI Attorney General and RI Superior Court, has violated in excess, so many RI and United States laws, that the State of RI and its judiciary, should not be afforded any favorable court bias rights to the United States 11th Amendment due to fact, the RI Attorney General Prosecutor has committed acts of omission constituting gross, willful and wanton negligence in aiding and abetting the FBI with **"NO POSSESSION OF EVIDENCE"**. then any more inviolate and equal 1st Amendment rights to the United States Constitution, of which this Plaintiff should equally, ethically and lawfully be afforded.

On October 17th, 2014 The State of Rhode Island had charged me with the crime of **KNOWLEDGE** of a crime. No possession of any kind has occurred or been submitted or litigated to the RI Superior Court, as any evidence of possession other than **KNOWLEDGE of possession**. In violation of my 1st Amendment Right to possession of the mind, temporal thinking capacity in terms of **KNOWLEDGE**, this Plaintiff has been convicted through submitted CYBERSPACE, wireless, non-tangible, non-possession, computer generated non-real person, cartoon-like images. The FBI illegally testified and provided phony pictures to a jury of which said pictures

were not from my paid for or owned IP Address Server or that of my personal email address. The State of RI Prosecution, with unlawful assistance from the United States Federal Government, (the FBI) levied charges upon this Plaintiff with the FBI being in violation of United States Code (USC) and Federal Law. This Plaintiff through use of Federal Criminal Law and Federal Criminal Rules of Court Procedure, intends on confirming that fact through his United States Constitutional Rights being afforded through this United States District Court. This Plaintiff contends that the FBI branch of the United States Government is in direct violation of the United States 4th, and 1st Amendment.

In advance, this Patriotic American would like to thank you for your lawful and ethical Constitutional decision to hear of my motion, made respectfully in remembrance to our U.S. Constitutional Forefathers.

1. **CLAIM for RELIEF motioned to be granted:** This Plaintiff through State of RI court hearings and documented transcripts, has proven to the State of RI Superior Court, that beyond any possible doubt, the State of RI with illegal and unlawful bias and conspiracy of the FBI, has violated of my rights to **DUE PROCESS OF LAW** and that of the U.S. Constitution I 1st Amendment. Furthermore, the judiciary of the State of RI is in direct violation of my following civil and constitutional amendment rights. This Plaintiff seeks an immediate time of the essence, **CLAIM for relief** in the form of a docketed U.S. District Court **OVERTURN OF CONVICTION** is requested by this court and a U.S. District Court ordered **INJUNCTION**, is requested by this Honorable Court to halt the RI Superior Court from executing a cruel and unusual criminal sentence upon me in violation of my **VIII**, 8th Amendment Constitutional Right, until legally, lawfully and ethically, the United States District Court hears of my submitted and docketed, **OVERTURN OF CONVICTION MOTION**. More documented evidence of State of RI and Federal Law violations have been listed below.
2. **VENUE OF COURT:** This Plaintiff of whom is no longer a Defendant in the RI Superior Court, seeks to invoke of his 1st Amendment Constitutional Right to be heard before this United States District Court, for the purpose of an **Injunction and overturn of conviction** to be placed upon the State of RI Superior Court. This Plaintiff requires of his constitutional right to a pre-trial hearing and hopefully trial, needed and requested, due to the RI Superior Court, not following their own RI Rules of Court Procedure, not following submitted enacted RI General Law and denying me a motion of Stay of execution, while awaiting a now defunct appeal decision by the RI Supreme Court, for an overturn of conviction, as previously submitted by this Plaintiff, by appeal to the RI Supreme Court. Due to the RI Superior Courts refusal to submit my paid for transcripts to the RI Supreme Court, the RI Supreme Court clerk's office refuses to provide me with a RI Supreme Court Case # Number.

3. All legal remedies of post-conviction relief within the RI Court system have been exhausted. U.S. District Court Law violations by the FBI, are also listed below and this Plaintiff contends that he has the right to use the United States District Court to uphold of and exercise of his United States and RI Constitutional rights. This Plaintiff contends that the United States Federal Government, (The FBI branch of law enforcement) in violation of Federal United States Code (U.S.C.) has committed violations of U.S.C. and Constitutional crimes upon this Plaintiff. RI Superior Court documentation of these factual committed crimes has been attached to this motion.
4. **COMPLAINT:** The RI Superior Court has **denied my motion**, to allow this Plaintiff (The Defendant in RI Superior Court) to be allowed to remain free on bail, with a Stay of Execution while awaiting a decision from the RI Supreme Court. This Plaintiff cannot motion for a Stay of Execution to the RI Supreme Court without transcripts and a Supreme Court Case #, of which the RI Court System will not provide this Plaintiff either. Which in turn has exhausted my avenues within the RI Court System to be provided with any justice. Under the RI rules of court procedure, the RI Superior Court had docketed my appeal on November 17th, 2017. According to rules of procedure, until the RI Supreme Court issues a RI Supreme Court Case number #, this Defendant in that case cannot motion to the RI Supreme Court for a Stay of Execution. **THE RI SUPERIOR COURT IS REFUSING TO ISSUE AND FORWARD TO THE RI SUPREME COURT MY COMPLETED TRANSCRIPTS. TRANSCRIPTS OF WHICH I BORROWED MONEY FROM MY PATRIOTIC FAMILY, AT AN EXTREME FINANCIAL BURDEN TO MY DEAR FAMILY, DUE TO MY BEING DENIED THE RIGHT TO PROCEED IN THE RI SUPERIOR COURTS SYSTEM IN FORMA PAUPERIS. IN A DOCUMENTED ACT OF JUDICIAL EXTORTION, I HAVE PAID THE RI SUPERIOR COURT IN FULL FOR MY TRANSCRIPTS. NOW DUE TO UNPRECEDENTED AND TRANSCRIPT DOCUMENTED "JUDICIAL CRIMES" BEING PERPETRATED UPON THIS DEFENDANT, IN VIOLATION OF HIS U.S. AND RI INVIOATE CONSTITUTIONAL RIGHTS, TO "DUE PROCESS OF LAW", THE RI SUPERIOR COURT IS REFUSING AND NOT FOWARDING TO THE RI SUPREME COURT MY TRANSCRIPTS WITHIN THE 60 DAY TIME FRAME ALLOWED BY THE RI SUPREME COURT. BY NOT MEETING THIS EXPIRED 60 DAY TIME FRAME ALLOWED RI APPELATE RULE # 11-Transmission of the record-Jurisdiction of Supreme Court and trial court over appeals.-. THE RI SUPREME COURT ACCORDING TO THE COURT CLERK, WILL NOT HEAR OF MY APPEAL NOR GRANT ME A STAY OF EXECUTION OF SENTENCE WITHOUT TRANSCRIPTS. Therefore, this Plaintiff asserts that after exhausting all legal post-conviction remedies within the State of RI Court System, the RI Superior Court is denying me of my United States and Rhode Island Constitutional Rights. **THIS ACT OF TRANSCRIPT INJUSTICE, IS BEING PERPETRATED FOR THE PURPOSE OF CLANDESTINELY PROTECTING AND SHELTERING OF A FELLOW COLLEAGUE AND MAGISTRATE, (RI TRAFFIC TRIBUNAL MAGISTRATE ALAN R. GOULART) FROM HIS ILLEGALLY COMMITTING RI AND U.S. CRIMES UPON THIS PLAINTIFF IN VIOLATION OF BOTH U.S. FEDERAL AND RI GENERAL****

LAW. This Plaintiff asserts he has full Constitutional Rights, and American moral rights, to proceed with his motion through this Honorable U.S. District Court for an **overturn of conviction**, pleaded for through the United States District Court.

5. **FORMAT OF MOTION:** This Plaintiff does not have any formal legal training and relies on the Constitution of both the United States and the State of Rhode Island as well as Federal Rules of Criminal Procedure last amended on December 16th, 2016, (114th Congress) to give explanation and to exercise and present of his constitutional rights. Any Court Rule of Procedure mistakes made by this Plaintiff are not of his fault. The State of RI has frozen all of my assets in their Family Court System and awarded an unprecedented illegal divorce settlement, to my estranged wife in the sum of leaving me with a **negative balance** of over -\$ 200, 000.00 of debt. (A whole different Federal subject and case). On July 25th, 2016 RI Family Court Justice Patricia K. Asquith denied me any shared marital assets, motioned for the purpose of hiring a lawyer to proceed in the United States District Federal Court System. Justice Asquith asked permission of the Plaintiff's lawyer to give \$5,000.00 to this Defendant for a Federal Attorney and the Plaintiffs Attorney denied the request. **LUDICROUS! THE RI LAW FIRM OF KIRSHENBAUM AND KIRSHENBAUM INSTRUCTS COURT JUDGES ON PROCEEDINGS OF A PERSONS CONSTITUTIONAL RIGHTS.** A copy of those transcripts is attached. Pages 179 thru 184. The entire RI Court System refuses to allow me to proceed in Forma Pauperis, yet twice the U.S. District Court has acknowledged my indigency and Granted in Forma Pauperis to this Plaintiff, through Justice John J. McConnell Jr. on October 24th, 2017 and November 16th, 2017. Thank you Justice McConnell ! This Plaintiff contends that the Federal Rules of court Procedure do not take precedent over the United States Constitution. The respectful rules of procedure have not been voted upon by the "WHOLE OF THE PEOPLE OF THE UNITED STATES OF AMERICA" and I respectfully plead as an American to this Honorable Court, to provide a hearing my docketed motion. Thank you! **Furthermore**, on a minimum of four occasions verbally motioned for, the RI Superior Court has not granted me the rights to a Public Defender. (If this Federal Court is ever able to obtain my transcripts from the RI Superior Court? Proof of this VI Sixth Amendment violation will be proven through transcript). Thank you!
6. **DENIED STATE OF RI MOTION:** Please find the **attached RI Superior Court motion** of which was denied on January 10th, 2018. This Plaintiff will within the next 48 hours provide a detailed **LINE OF TRAVEL OF CASE** with a listing of all Constitutional, as well as RI and Federal Laws (USC) in which the State of RI and the Federal Government (FBI) are violating upon this Plaintiff.

7. **Wherefore**, this Plaintiff respectfully requests of this United States District Court to provide relief to this Plaintiff in form of an **INJUNCTION** and **STAY OF SENTENCE** until this Honorable Court can schedule a hearing to provide of a decision on the above stated matters.


8. **ADDENDUM AND LINE OF TRAVEL OF CASE, WILL FOLLOW WITHIN 48 HOURS:**

Respectfully submitted,


Andrew Joseph Smith

CERTIFICATE OF SERVICE

I hereby certify that I mailed a copy of this document to the Federal Bureau of Investigations (FBI) located at 10 Dorrance Street, Providence, RI 02903. **Also**, I have mailed a copy of this document to the RI Supreme Court, located at 250 Benefit Street, Providence, RI 02903, on the 11th Day of January, 2018.


Andrew Joseph Smith

2018 JAN 11 8-AM 81

RECEIVED
FILED
SUPERIOR COURT

State of RI

Providence, SC.

State of RI

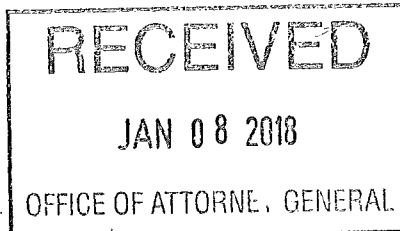
VS.

Andrew Smith

Superior Court

CA.NO: P2-2015-0553A

January 8th, 2017



ADDENDUM TO MOTION DOCKETED ON DECEMBER 29TH, 2017

(PLEADING FOR CONVICTION REVERSAL DUE TO U.S. CONSTITUTIONAL VIOLATIONS)

This Defendant invokes of his United States Constitutional Right to the 1st Amendment of the United States Constitution and RI Article I, Section 1 as well as Article I Section 21.-Freedom of Speech- in both Constitutions to read my motions verbally out loud and to be recorded on court transcript on the docketed RI Superior Court hearing date of January 10th, 2018. This Defendant requires of this right, due to the RI Supreme Court will not hear of motions and only of directly relayed court stenographer transcripts, needed for my current appeal of this case.

Now comes the Defendant Andrew Smith, Pro-Se, in the above titled matter. This Defendant respectfully pleads before RI Superior Court Justice Luis M. Matos to overturn of the **ILLEGAL** and **UNCONSTITUTIONAL** conviction of which RI Superior Court Justice William E. Carnes has executed upon this Defendant. **FURTHERMORE**, with no disrespect intended towards Justice Luis M. Matos, this Defendant and American Born Citizen, constitutionally places an absolute and final **DEMAND** upon this RI Superior Court to overturn of my conviction, as the RI Superior Court is in documented and court transcribed violation of the Constitution of the United States of America.

A Petition for a Writ of Certiorari has been submitted to the RI Supreme Court within this matter on November 7th, 2017 and has not been ruled upon by the RI Supreme Court as to date of this motion. NOTE: Justice William E. Carnes Jr. disregarded the RI Supreme Courts Petition for a Writ of Certiorari on November 7th, 2017 and unlawfully proceeded with a judicially bias trial in favor of the state, including that of violating my United States 1st Amendment Right to give an opening statement to the Jury on November 7th, 2017. Confirmation of Judge Carnes 1st Amendment violation as well as his violation of the United States Constitution 5th Amendment and 6th Amendment can be found in the provided transcript of November 20th, 2017. Pages 21 thru 22 of provided transcript. Clearly states that Justice Carnes by his own admissions is in violation of my 1st and 5th Amendment constitutional Rights as he refers to on page 21, line # 19 as the courts (Judge Carnes) quote "**potential error**": end quote.

In other transcripts not being legally provided to this Defendant **purposely delayed by Justice Carnes to prevent my RI Supreme Court Appeal**, in effort to run out the RI Supreme Court Appeal clock, in a 60-day request for transcripts from his court. This Defendant has paid for in full and requested all transcripts from Stenographer Patti Ahearn on November 9th, 2017.

HEARD AND DENIED!

Under the bias influence of Justice Carnes, towards his court stenographer Patti Ahearn, in an effort for Justice Carnes to conceal of his unlawful and unconstitutional actions, Patti Ahearn is refusing to submit the requested transcript to the RI Supreme Court in the time allotted for an appeal before the Supreme Court. Total transcripts of trial paid to date, is paid in full at \$ 1,440.00. On December 21st, 2017. Attachment of received deceptive and extortionary emails from Patti Ahearn is attached.

JURISDICTION: (1st). Almighty God has Supreme jurisdiction over all courts and laws of this nation and worldwide.

1. **(2nd).** The United States Constitution is the Supreme Law of this nation. All laws inconsistent therewith the United States Constitution are deemed to be null and void.
2. **(3rd).** The Constitution of the State of RI is the Supreme law of the State and any law inconsistent therewith shall be void.
3. **ANY SWORN AND APPOINTED MEMBER OF RI GOVERNMENT and JUDICIARY WHO HAS BEEN MADE AWARE OF DOCUMENTED, UNCONTESTABLE VIOLATIONS OF RI LAW, AND THE RI CONSTITUTION HAS A SWORN DUTY TO REMEDY THE VIOLATION IMMEDIATELY. PER RI CONSTITUTION ARTICLE I, Section 5-Entitlement to remedies for injuries and wrongs-Right to justice-. JUSTICE IS DEMANDED IN FORM OF CONVICTION REVERSAL, BEFORE JUSTICE LUIS MATOS ON JANUARY 10TH, 2018 WITHOUT DELAY! Thank You!**
4. **VENUE OF COURT: (1).** This Defendant contends that the dismissal courtroom of # 9 within the RI Superior Court is the correct venue of the submitted motion, as courtroom # 9 is the venue for all dismissal motions. **(2).** Justice Luis Matos on the date of May 24th, 2017, erred in his judgement to allow State of RI Prosecutor Ryan Stys to proceed with criminal charges, **PENDING FURTHER INVESTIGATION** and a trial when there was no search or arrest warrant issued for the Defendant. Within return of the enacted RI General Law **illegally issued** search warrant there was also no physical evidence seized either. Prosecutor Ryan Stys confirmed of these facts at the 9.1 dismissal motion and stated he would Prosecute of this Defendant based on non-tangible evidence of which he claims is **Knowledge** of a crime. Justice Matos in violation of an American's Right to the 4th Amendment of the United States Constitution allowed of this unconstitutional crime to be committed upon this Defendant. Prosecutor Ryan Stys had motioned for his unconstitutional case to be moved for trial based upon a **fictitious legal definition term** of which he made up and refers to as **"legal possession"**. Definitions of words are comprised through the science of **"LEXICOLOGY"**. There is no such physical word through lexicology as **"legal possession"** it is just a legal metaphor

in which Prosecutor Stys had made up to pursue of this illegal charge in favor of him trying the case based upon a person's **"KNOWLEDGE"**. Let this court be advised that **"KNOWLEDGE"** is an inviolate 1st Amendment U.S. Constitutional Right. On the Day of May 24th, 2017, in violation of the Canons of Judicial Ethics, violation of the United States Constitution, violation of the RI Constitution, violation of RI General Laws and RI Rules of Court Procedure, Justice Matos afforded Prosecutor Stys a second helping to the proverbial trough of Prosecutorial and Judicial corruption. "I am not a lawyer, I apologize for my trough euphemism, with my lack of legal vocabulary" to exercise my intention within these matters. This Defendant has no choice but to seek remedy for his unconstitutional and illegal trial and conviction by Justice William E. Carnes Jr., for the fact that Justice Carnes in violation of the RI Rules of Court Procedure and the Canons of Judicial Ethics, refuses to hear of my correctly and legally submitted motion on December 29th, 2017. On the Day of January 2nd, 2017 at the time of 11:08 a.m. Justice Carnes, unethically and in violation of the Canons of Judicial Ethics, ordered a RI Superior Court clerk by the name of Paul within the RI Superior Court Clerk's office to relay a threat from Carnes to this Defendant by saying and I quote" Forget about your motions and focus on your sentencing "end quote. **NOTE OF IMPORTANCE:** Many employees of the court clerk's office have treated me with disrespect and unfairly in bias instructions allegedly relayed by Justices of the RI Superior Court. The Gentleman by the first name of "Paul is not one of them". Paul is an HONEST and TRUE AMERICAN, very polite, courteous, unbiased and an absolute contribution to the American Justice System, as well as the RI Superior Court System. Some specific others within your office, please remind yourselves, you are not judges and you should not be influenced by unlawful actions of judges, and learn from Paul's integrity. I have always been polite and courteous to all court employees and expect nothing less from you as Americans. Thank You! Upon bias, unethical and unlawful actions of Justice Carnes, and upon my demanded lawful request, Paul in effort to not be bias, took the time, effort and courtesy upon my lawful RI Rule of Court Procedure request, to re-docket this motion to the dismissal courtroom # 9 of Justice Luis M. Matos.

5. **KNOWLEDGE:** Knowledge is not ours, we have no control over it. Knowledge is of the mind. The **"MIND"** is a possession and creation of **"ALMIGHTY GOD"**. How do we know that? The Constitution of the State of RI Says so. By virtue of Article I, Section 1. and Article VI, Section 1.- Constitution supreme law of the state- "This Constitution shall be the supreme law of the state, and any law inconsistent therewith shall be void. The general assembly shall pass all laws necessary to carry this constitution into effect"-.

6. According to the RI Constitution, Article I, Section 3. Clearly states as follows:
Whereas **ALMIGHTY GOD** hath **created the mind** free; and all attempts to influence it by temporal punishments or burdens, or by "**civil incapacitations**", tend to beget habits of hypocrisy and meanness; ETC..... **ALMIGHTY GOD** is the owner and has full "**LEGAL POSSESSION**" of the mind. Our RI Constitution states so! **WHEREFORE**, should this RI Superior Court seek to pursue a conviction of what the Court assumes traveled through this Defendants mind, the court will have to execute search, arrest warrants and criminal charges upon **ALMIGHTY GOD himself** as the perpetrator of crimes involving the **POSSESSION OF KNOWLEDGE** found within the human mind.
7. Therefore, knowledge is a 1st Amendment Right and **ALMIGHTY GOD** has control and ownership of the mind. **Enough said and proven, THIS COURT AND ITS ILLEGAL TRIAL ACTIONS ARE IN DIRECT VIOLATION OF THE UNITED STATES 1ST AMENDMENT, WITHOUT ANY COURT OR LEGAL EXCEPTION, PERIOD!!!**
8. **TRANSCRIPTS: (1).** This Defendant requires ruling from Justice Matos on whether or not my paid for RI Superior Court transcripts can be held hostage by stenographer Patti Ahearn, through influences of unconstitutional actions by her superior, Justice William Carnes.
9. **(2).** This is not the 1st time transcripts have been held hostage by this court to this Defendant. In a separate illegal and unconstitutional case, in definite RI Superior Court conspired violation, of enacted RI General Laws, in which I'm unlawfully being charged with breaking and entering of my own home? by an insane and estranged wife, of whom her acting life mother is RI Family Court Chief Justice Haiganush R. Bedrosian, in which "**HAIGI**" has assisted my wife to extort my entire life savings in excess of one half million dollars? Leaving me with **ZERO money** and nothing of my wife's State of Rhode Island pension, \$ 250,00.00 of debt when our combined estate is over one half million dollars, within a 28-year peaceful marriage. **"ONLY IN RHODE ISLAND" ILL BE SURE TO OFFER A SINCERE WELCOME TO AMERICA, TO "HAIGI'S" INDEBTED PAL "PATTI", RI FAMILY COURT ASSOCIATE JUSTICE PATRICIA K. ASQUITH IN THE UNITED STATES DISTRICT FEDERAL COURT PROCEDINGS"** and if need be the United States Supreme Court. In RI Superior Court CA.NO: P2-2015-3245ADV. In violation of (RI General Law **8-10-37**-Report of trials-Transcripts). Your stenographer Donna Dumont, in violation of RI Rules of Procedure extorted me for the sum of \$ 10.00 per page for transcripts needed for my Writ of Certiorari or stated she would not produce them for 4 months. RI State law on transcripts is not to exceed \$ 3.00 per page. Donna Dumont said she would type and produce transcripts within 1 week for the sum of \$ 5.00 per page. **"I knew it was extortion but did agree, and still**

honor my word and agree to the \$5.00 amount per page. I figured what the heck, the judges are all committing documented, transcript criminal acts of extortion and financial extortion upon me, why not let the stenographer too!" P.S. the transcript amount I was charged is 350% more than allowable by RI Rules of Court. What I did not agree to, was Donna doubling the extorted amount again? to \$10.00/page. Maybe when Donna gets a chance by end of business today, she could be so kind as to refunding me \$ 5.00/ page, and we let bygones be bygones, without me having to press charges with the RI State Police and the United States Department of Justice, For fraud and extortion. Total amount due in refund is \$5.00/ page, \$ 85.00 Total. Cash payment will be accepted. Thank you, kindly Donna!

10. I WANT ALL MY 100% PAID FOR TRIAL TRANSCRIPTS FROM STENOGRAPHER PATTI AHEARN IN REGARDS TO CASE # P2-2015-0553, I WANT JUDGE MATOS TO SET A RULING ON TRANSCRIPTS, I WANT THEM SENT TO THE RI SUPREME COURT IMMEDIATELY, AND I DEMAND A TIME RULING ON THESE TRANSCRIPTS FROM JUSTICE MATOS ON JANUARY 10TH, 2018. THANK YOU FOR THE JUSTICE!

11. ILLEGALLY SEIZED EVIDENCE INADMISSIBLE 9-19-25: LET ME BE CLEAR: All evidence submitted to this court by the prosecution has been illegally obtained as there are **NO SIGNED OR EXECUTED WARRANTS AT ALL!** All court actions have been illegal due to this Defendant not being provided my Constitutional Rights to **DUE PROCESS OF LAW.**

12. RULE 403: In violation of RI Court Rules Judge Carnes violated Rule # 403- (Exclusion) of relevant evidence on grounds of prejudice, confusion or waste of time-. Judge Carnes allowed my wife to read a letter to the jury not relevant to this case at all in favor of the prosecution of whom never submitted this letter as pre-trial evidence at any motioned hearing, of which was not truthful and was stolen from another person's property by the Cranston Police Department, of which the Cranston Police Department entered another person's home without warrants and seized of this letter, then the Cranston Police relayed this letter to my wife for her to read in court. **EXTREME 4th AMENDMENT VIOLATION. JUDICIAL and PROSECUTORIAL CORRUPTION times 1,000 %.**

13. SENTENCING AND JUDGEMENT: RULE #32. (2). Notification of Right to Appeal. At no time did Judge Carnes notify of my right to appeal, yet unethically directed me to ask for a new trial, under which RI New trials had been Repealed. Judge Carnes even directed court clerks to docket me for a new trial, I never submitted a motion to the court for new trial, judge Carnes took it upon himself to docket the

case for a new trial. **(2). Report:** To date this Defendant nor the court has been presented with a presentence report by the RI Attorney General.

14. STAY OF EXECUTION: This Defendant of whom has an outstanding Writ of Certiorari and Appeal before the RI Supreme Court, pleads of this court under rule # 9-25-4. Stay of Execution to remain free on bail until the RI Supreme Court Rules on my matter of being deprived of **DUE PROCESS OF LAW**. This Defendant further pleads a stay of execution through **Rule # 38**. Stay of execution and relief pending review-. And last but not least a stay of execution through Appellate **Rule # 8**-Stay or Injunction pending appeal.

15. WHEREFORE, This Defendant pleads of this court to mend of their errors in form of true American Justice and reverse this Defendant's conviction as well as dismiss of all charges at this time.

16. P.S. Please bear in mind Justice Matos that the RI and United States Constitutions take precedent over any and all court rules not voted on by the whole of the people of RI, in referencing to any of my incorrectly submitted rules of procedure. AND if pleading doesn't work remember "I'm always respectful and courteous enough to extend you a polite gesture nod when you are getting your coffee at the Cable Car Cinema".

In a judicial system team and prosecutorial team of which unethically without following court rules, **"PROTECTS OF ITS OWN": What the HECK**, figured I'd throw the coffee comment in, No one else in this RI Court System is interested in justice or following the rules anyways!

Respectfully Submitted,



Andrew Smith, Pro-Se

CERTIFICATE OF SERVICE

I hereby Certify that on the 8th Day of January, 2018, I mailed a copy of this addendum motion to Prosecutor David Bonzagni, at the office of the RI Attorney General located at 150 South Main Street, Providence RI, 02903.



Andrew Smith